

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Utilities and Regulatory Affairs, to which was referred House Bill No. 1738, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 natural and cultural resources.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 14-25-2-2 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as
- 7 provided in section 8 of this chapter **and subject to section 2.5 of this**
- 8 **chapter**, the commission may contract with a person for the provision
- 9 of certain minimum quantities of stream flow or for the sale of water on
- 10 a unit pricing basis. A contract for the provision of minimum stream
- 11 flows or for the sale of water on a unit pricing basis:
- 12 (1) must be executed by the commission; and
- 13 (2) is subject to approval by the following:
- 14 (A) The attorney general.
- 15 (B) The governor.
- 16 (C) The person desiring the use.
- 17 (b) A contract entered into under this chapter may not cover a
- 18 period of more than fifty (50) years.
- 19 (c) Before the submission of the contract to the governor for
- 20 approval, the commission shall submit a copy of the contract to the
- 21 department. The department shall, within twenty (20) days of receipt,

1 do the following:

2 (1) Prepare a memorandum relative to the effect that the contract  
3 might have on recreational facilities.

4 (2) Submit the memorandum to the governor for the governor's  
5 consideration.

6 SECTION 2. IC 14-25-2-2.5 IS ADDED TO THE INDIANA CODE  
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
8 UPON PASSAGE]: **Sec. 2.5. (a) A person that seeks to contract with  
9 the commission for the provision of certain minimum quantities of  
10 stream flow or the sale of water on a unit pricing basis under  
11 section 2 of this chapter must submit a request to the commission  
12 and the department. The commission shall not make a  
13 determination as to whether to enter into a contract with the  
14 person making the request until:**

15 (1) the procedures set forth in this section have been followed;  
16 and

17 (2) the commission has reviewed and considered each report  
18 submitted to the commission under subsection (f).

19 (b) Not later than thirty (30) days after receiving a request  
20 under subsection (a), the department shall provide, by United  
21 States mail, written notice of the request to the following:

22 (1) Each person with whom the commission holds a contract  
23 for:

24 (A) the provision of certain minimum quantities of stream  
25 flow; or

26 (B) the sale of water on a unit pricing basis;  
27 as of the date of the request.

28 (2) The executive and legislative body of each:

29 (A) county; and

30 (B) municipality, if any;

31 in which the water sought in the request would be used.

32 (c) In addition to the mailed notice required under subsection  
33 (b), the department shall publish notice of the request, in  
34 accordance with IC 5-3-1, in each county:

35 (1) in which the affected reservoir is located; and

36 (2) in which the water sought in the request would be used.

37 In each county in which publication is required under this  
38 subsection, notice shall be published in the general circulation  
39 newspaper that has the largest circulation in the county.

40 (d) A notice required under subsection (b) or (c) must:

41 (1) identify the person making the request;

42 (2) include a brief description of:

- 1           **(A) the nature of the pending request; and**
- 2           **(B) the process by which the commission will determine**
- 3           **whether to enter into a contract with the person making**
- 4           **the request; and**

- 5           **(3) set forth the date, time, and location of the public meeting**
- 6           **required under subsection (e).**

7           **(e) The advisory council established by IC 14-9-6-1 shall hold a**  
 8           **public meeting in each county in which notice is published under**  
 9           **subsection (c). A public meeting required under this subsection**  
 10          **must include the following:**

- 11          **(1) A presentation by the department describing:**

- 12           **(A) the nature of the pending request; and**
- 13           **(B) the process by which the commission will determine**
- 14           **whether to enter into a contract with the person making**
- 15           **the request.**

- 16          **(2) An opportunity for public comment on the pending**
- 17          **request.**

18          **The advisory council may appoint a hearing officer to assist with**  
 19          **a public meeting held under this subsection.**

- 20          **(f) Not later than thirty (30) days after a public meeting is held**
- 21          **under subsection (e), the advisory council shall submit to the**
- 22          **commission a report summarizing the public meeting.**

23          **SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this**  
 24          **SECTION, "committee" refers to the water resources study**  
 25          **committee established by IC 2-5-25-1.**

- 26          **(b) The committee shall study and make findings and**
- 27          **recommendations concerning the following:**

- 28           **(1) Current processes and methods used in determining water**
- 29           **resource allocation and distribution in Indiana.**

- 30           **(2) Appropriate policies governing future water resource**
- 31           **allocation and distribution planning in Indiana.**

- 32          **(c) The committee shall report its finding and recommendations**

1       **to the legislative council in an electronic format under IC 5-14-6**  
2       **not later than November 1, 2007.**

3       SECTION 4. **An emergency is declared for this act.**  
      (Reference is to HB 1738 as reprinted February 14, 2007.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 8, Nays 0.

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**Senator Hershman, Chairperson**